

## **ORDINANCE NO. 1661**

### **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ANKENY, IOWA, BY AMENDING PROVISIONS PERTAINING TO ILLICIT DISCHARGE TO STORM SEWER SYSTEM.**

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**BE IT ENACTED** by the City Council of the City of Ankeny, Iowa:

**Section 1. SECTION MODIFIED.** Section 105.03 Definitions, of the Code of Ordinances of the City of Ankeny, Iowa is amended to add the following new paragraph 2, and renumber the existing paragraphs accordingly:

2. “Municipal Separate Storm Sewer System” or “MS4” means the conveyance or system of conveyances including storm sewers, roadways, roads with drainage systems, catch basins, curbs, gutters, ditches, constructed channels and storm drains owned or operated by the City of Ankeny.

**Section 2. SECTION MODIFIED.** Section 105.04 Illicit Discharges Prohibited, of the Code of Ordinances of the City of Ankeny, Iowa is amended to add the following new paragraph 4:

4. The following discharges are not authorized and shall be deemed an illicit discharge in violation of this chapter.

A. Floor drains directed to the stormwater system shall be considered discharges even if no actual pollutants are observed entering the system from such a source.

B. Solvents; detergents or other surfactants; and spills or leaks of toxic or hazardous materials; fertilizers; pesticides; and waste products such as ashes, slag and sludge.

C. Solid waste, litter, animal waste and landscape waste, including significant quantities of leaves and grass clippings deposited or placed along streams, ponds, channels, or on sidewalks, street right of ways or other public property subject to runoff or otherwise discharged to the stormwater system.

**Section 3. SECTION MODIFIED.** Section 105.07 Detection and Reporting; Cost Recovery, paragraphs 5 and 7, of the Code of Ordinances of the City of Ankeny, Iowa are repealed and the following adopted in lieu thereof:

5. Upon receiving a report pursuant to the previous subsections, or otherwise coming into possession of information indicating an actual or imminent illicit discharge, the enforcement officer shall conduct an inspection of the site as soon as reasonably possible and thereafter shall provide to the responsible party, and any third party reporter, a written report of the conditions which may cause or which have already caused an illicit discharge. The responsible party shall immediately commence corrective action or remediation and shall complete such corrective action or remediation within twenty-four (24) hours, or as otherwise directed by the enforcement officer.

7. If it is determined that an illicit discharge is imminent or has occurred, the actual administrative and remediation costs incurred by the City in the enforcement of this chapter shall be recovered from the responsible party. The enforcement officer shall submit an invoice to the responsible party reflecting the actual costs and wages and expenses incurred by the City for the enforcement activities undertaken. Failure to pay charges invoiced under this chapter within thirty (30) days of billing shall constitute a violation of this chapter.

**Section 4. SECTION MODIFIED.** Section 105.08 Suspension of Access to Storm Sewer System, paragraph 1, of the Code of Ordinances of the City of Ankeny, Iowa is repealed and the following adopted in lieu thereof:

1. Emergency Suspension. The enforcement officer may, without prior notice, suspend storm sewer system access to a property when such emergency suspension is necessary to stop an ongoing or imminent illicit discharge. If the responsible party fails to immediately comply with an emergency suspension order, the enforcement officer shall take such steps as deemed necessary to prevent, minimize, or remediate the illicit discharge. All costs of such action shall be recovered from the responsible party for the property identified as the source of the illicit discharge.

**Section 5. SECTION MODIFIED.** Section 105.09 Watercourse Protection of the Code of Ordinances of the City of Ankeny, Iowa is repealed and the following adopted in lieu thereof:

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, grass clippings or other organic wastes and other obstacles that would pollute, contaminate, or significantly alter the quality of water flowing through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will

not become a hazard to the use, function, or physical integrity of the watercourse.

**Section 6. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 7. SEVERABILITY CLAUSE.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**Section 5. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Steven D. Van Oort, Mayor

ATTEST: \_\_\_\_\_  
Pamela DeMouth, City Clerk

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**1<sup>st</sup> Con 5/3/10  
2<sup>nd</sup> Con \_\_\_\_\_  
3<sup>rd</sup> Con \_\_\_\_\_**